

REMARKS

This Application has been carefully reviewed in light of the Final Action mailed March 16, 2005. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 1, 3, and 10-13 stand rejected under 35 U.S.C. §102(e) as being anticipated by Belair. Independent Claims 1, 10, and 13 recite in general the ability to allocate particular client NAT addresses of a client NAT address range to a subpool and ensure that the particular client NAT addresses in the client NAT address range remain allocated within the client NAT address range of the subpool until all of the particular addresses within the client NAT address range of the subpool have been freed. By contrast, the Belair patent is directed to memory address reuse using a shadow memory and a translation lookaside buffer partitioned within a cache memory of a processor. Thus, the Belair patent is unconcerned with client NAT address allocation. Moreover, the translation lookaside buffer of the Belair patent does not provide a subpool where a plurality of client NAT addresses remain allocated until each client NAT address in the subpool are freed. Thus, the Belair patent fails to provide an ability to allocate particular client NAT addresses of a client NAT address range to a subpool and ensure that the particular client NAT addresses in the client NAT address range remain allocated within the subpool until all of the particular addresses within the client NAT address range of the subpool have been freed as provided in the claimed invention. Support for the above recitation can be found at page 14, line 20, to page 18, line 26, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1, 3, and 10-13 are patentably distinct from the proposed Belair - Albert, et al. combination.

Claims 3 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Belair in view of Boden, et al. Claim 3 has already been shown above to be patentably distinct from the Belair patent. Independent Claim 14 includes similar limitations shown above to be patentably distinct from the Belair patent. Moreover, the Boden, et al. patent does not include any additional disclosure combinable with the Belair patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 3 and 14 are patentably distinct from the proposed Belair - Boden, et al. combination.

Applicant respectfully defers action on Claims 2 and 4-9 pending a final disposition of generic Claim 1.

Applicant respectfully requests withdrawal of the finality of the present Office Action. "Before final rejection is in order a clear issue should be developed between the examiner and applicant." M.P.E.P. §706.07. A clear issue has not been developed between the Examiner and Applicant with respect to the Belair and Boden, et al. patents as the Examiner has only now used the Belair and Boden, et al. patents for the first time to support a rejection of these claims. According to M.P.E.P. §706.07, hasty and ill-considered final rejections are not sanctioned. "The applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application." M.P.E.P. §706.07. "To bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied; and in reply to

this action the applicant should amend with a view to avoiding all the grounds of rejection and objection." M.P.E.P. §706.07.

Applicant responded to the previous Office Action of July 23, 2004 and overcame the Albert, et al. patent used therein by the Examiner to reject these claims. Now the Examiner comes back with the Belair and Boden, et al. patents which were available to the Examiner for consideration throughout the examination of the present Application but which the Examiner did not use as a basis for any rejection of these claims in the previous Office Action. The Examiner now uses the Belair and Boden, et al. patents in the same manner as the Albert, et al. patent was used in the previous Office Action. Thus, the Examiner has not followed the M.P.E.P. where it states that "[s]witching from . . . one set of references to another by the examiner in rejecting in successive actions claims of substantially the same subject matter, will alike tend to defeat attaining the goal of reaching a clearly defined issue for an early termination, i.e., either an allowance or a final rejection." No amendments to the claims in response to the previous Office Action were made to force the Examiner to now use the Belair and Boden, et al. patents where it could not have been used in the previous Office Action. In fact, amendments made to Claims 1, 10, 13, and 14 merely addressed the 35 U.S.C. §101 rejections of the previous Office Action and were not needed to overcome the Albert, et al. patent.

As a result, Applicant has not been given the cooperation of the Examiner as required and has been denied an opportunity to fully address the Belair and Boden, et al. patents and associated new grounds of rejection that could have been cited in the previous Office Action. By not providing Applicant the capability to fully respond to the Belair and Boden, et al.

patents without the assurance that the response would be considered and entered, the Examiner has prematurely cut off prosecution of the present Application. Applicant has not been given a full and fair hearing to which it is entitled and a clear issue has not been developed with respect to the Belair and Boden, et al. patents as required. As a result, the Examiner has improperly made the present Office Action final. Therefore, Applicant respectfully submits that the final rejection is premature and that the finality of the present Final Action be withdrawn.

The present Response to Examiner's Final Action is necessary to address the new grounds of rejection and newly cited art raised by the Examiner. This Response to Examiner's Final Action could not have been presented earlier as the Examiner has only now provided the new grounds of rejection and newly cited art in support thereof.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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